

Serial No. 10/755,990
Docket : MIO 0065 VA/40509.282

REMARKS

Claims 1-35 were presented for examination. Claims 1-20 and 25-35 were allowed.
Claims 21-24 were rejected. Claim 21 has been amended.

Rejections Under 35 U.S.C. § 112

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Accordingly, claim 21 has been amended to clarify that a select trench is etched in the substrate and that the select trench and floating gate layer are substantially perpendicular to each other. Support for this amendment may be found in the Specification on page 13, lines 17-19 and in Figure 8A, elements 820 and 605. Applicant believes that claim 21 is no longer indefinite and requests that the Examiner withdraw his rejection to claim 21.

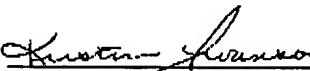
Claims 22-24 depend on independent claim 21 and are patentable for the same reasons as the independent claim from which they depend. Therefore, Applicant requests that the Examiner withdraw his rejection of claims 22-24.

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CONCLUSION

For the above reasons, the Applicant respectfully submits that the above claims represent allowable subject matter. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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